IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 26153 of 2007(L)

PETITIONER:

PAPPACHAN K.ELANJICKAL,
ELANJICKAL ARCADE, POST OFFICE JUNCTION, MUNNAR.

BY ADV. SRI.GEORGE ABRAHAM

RESPONDENTS:

---

1. MESSRS K.D.H.P. CO. PRIVATE LTD.,
LICENCEE OF KERALA STATE ELECTRICITY BOARD, MUNNAR

2. ELECTRICITY CONSUMERS GRIEVANCES
REDRESSAL FORUM, REGIONAL WORKSHOP, MUNNAR,
REP. BY ITS CHAIRMAN.

3. R. SURESH BABU,
CHAIRMAN, ELECTRICITY CONSUMERS GRIEVANCES
REDRESSAL FORUM, REGIONAL WORKSHOP, MUNNAR.

BY SRI.JOSEPH MARKOSE, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

.....

W.P.(C) No.26153 of 2007

.....

Dated this the 7th day of September, 2007.

JUDGMENT

Heard counsel for the petitioner and Standing Counsel appearing for first respondent which is the licensing agency for supply of electricity in Munnar. The petitioner constructed a four storied building and sold all the shop rooms in the basement and in the first floor to different persons. Strangely connections originally granted to these shop rooms are still retained in the name of the petitioner even after sale of shop rooms by him. In the interest of the first respondent itself they should disconnect supply and request the shop owners to take connection in their names so that if default happens, recovery can be effected by attachment of stock or building. The first respondent should take steps to convert the connection in the name of actual building owners who are the consumers.

2. So far as the two commercial connections originally given to the petitioner in the second and third floors are concerned, the Pollution Control Board declined clearance for running tourist home in those two floors. The petitioner appears to have accepted the Pollution Control Board's order in regard to running of tourist home which according to him is closed.

According to the petitioner, after closure of tourist home, petitioner is using portion of the third floor as his residence where he is entitled to a domestic connection. Prayer in the W.P. is for direction to first respondent to grant domestic connection in the third floor. Counsel for the first respondent submitted that petitioner has not approached the first respondent with any application for domestic connection or for conversion of existing commercial connection to a domestic connection. Since installation is already there, it is a matter of conversion of commercial connection to domestic connection and allow the petitioner to retain the connection in the area exclusively occupied by the petitioner as his house. If petitioner makes an application with plan and required documents in terms of the norms, there will be direction to the first respondent to restore supply under domestic tariff to the portion occupied by the petitioner as his residence. However, it will be open to the first respondent to conduct inspection or enquiry at any time and if misuse is noticed, consequential action including disconnection can be initiated. The petitioner will pay charges in accordance with the prevailing norms. Connection should be restored immediately on complying with the formalities.

W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms